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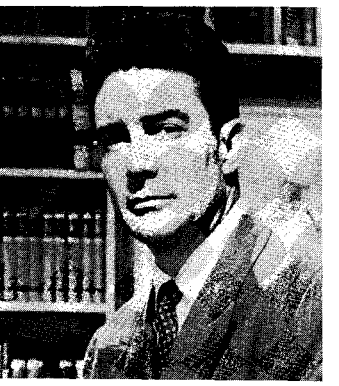

DAN SMOOT

EARL WARREN COURT—PART I

The turmoil in Alabama is one product of the so-called civil-rights movement, a communist creation intended to foment racial civil war (as shown in "Civil Rights Or Civil War?", the February 22, 1965, issue of this *Report*).

The non-communist agency which has done the most to precipitate civil turmoil is the Supreme Court of the United States under Chief Justice Earl Warren.

The present nine Supreme Court Justices are:

Hugo Black, **Roosevelt appointee, took oath of office on August 19, 1937;** ***William O. Douglas,*** **Roosevelt appointee, took office April 17, 1939;** ***Tom Clark,*** **Truman appointee, August 24, 1949;** ***Earl Warren,*** **Eisenhower appointee, October 5, 1953;** ***John Marshall Harlan,*** **Eisenhower appointee, March 28, 1955;** ***William J. Brennen, Jr.,*** **Eisenhower appointee, October 16, 1956;** ***Potter Stewart,*** **Eisenhower appointee, October 14, 1958;** ***Byron R. White,*** **Kennedy appointee, April 16, 1962;** ***Arthur J. Goldberg,*** **Kennedy appointee, October 1, 1962.**[1]

The appointment of Earl Warren was a political payoff. The California delegation at the Republican National Convention of 1952 was pledged to Earl Warren. Warren released the delegates to vote for General Dwight D. Eisenhower, thus assuring Eisenhower's nomination.[2]

After almost 12 years on the Court, Warren is still either abysmally ignorant about, or deeply hostile toward, the U. S. Constitution and American juridical principles. Eisenhower could hardly have found a prominent person less qualified to be Chief Justice; yet, Warren does qualify as a radical political leader. The Supreme Court has become an Earl Warren Court.

One Justice who most consistently supports Warren's decisions is Hugo Black. In 1937, Hugo Black was a United States Senator from Alabama. A passionate partisan of the new deal, Senator Black fought hard for President Franklin D. Roosevelt's court-packing scheme. The scheme failed, but Roosevelt rewarded Black by appointing him — August 12, 1937 — to the Supreme Court.

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Though the Senate had just defeated Roosevelt's effort to pack the Court with leftist radicals, it quickly confirmed the nomination of Senator Black— who was a leader among leftist radicals.[2]

As soon as Hugo Black became an Associate Justice, the Supreme Court began to weaken the doctrine of *stare decisis* and thus started what is described on page 565 of Senate Document No. 170 (82d Congress, 2d Session) as a "constitutional revolution."[3]

Stare decisis is an abbreviation of a Latin expression meaning "to stand by decisions and not to disturb settled matters." In law, *stare decisis* means the doctrine, or policy, on the part of courts, of following principles laid down in previous decisions, unless they contravene the ordinary principles of justice.

The doctrine of *stare decisis* was essential to the development of English common law—and of all law in the United States. When the highest court repeatedly reverses its own decisions, it is saying that what was legal yesterday is illegal today but may again be legal tomorrow, depending on the mood of the court. When such a state of affairs prevails for a long time, even the most civilized society will become lawless, kept orderly only by force of dictatorship.

In 1937, the Supreme Court began to lay the groundwork for such a condition in America, when it started repudiating the ancient doctrine that a court must follow the precedent of its own decisions. Between March 27, 1937, and June 14, 1943, the Supreme Court reversed earlier decisions on constitutional questions in fourteen cases.[3]

In 1944, Justices Owen J. Roberts and Felix Frankfurter began dissenting, saying the Court was discrediting itself by reversing its own decisions. Justice Roberts said the Court's frequent reversals of earlier decisions tended to bring adjudications of the Supreme Court "into the same class as a restricted railroad ticket, good for this day and train only."[3]

This criticism from within the Court slowed down the erosion of the great principle of *stare decisis* — until Earl Warren became Chief Justice in 1953.

In *Brown versus Board of Education*, May 17, 1954, Earl Warren (supported by all other members of the Court) reversed an 1896 Supreme Court decision which had held that racial segregation in public schools is constitutional, if segregated races are provided equal facilities.[4]

On previous occasions when the Court had reversed itself, the justices had at least pretended to be following honest conviction about what the Constitution means. In the school segregation case, Warren admitted that the Fourteenth Amendment, as written, was not intended to affect the operation of public schools. He said, however, that, in view of "modern" sociological opinions, the Fourteenth Amendment should be *interpreted* as affecting racial segregation in schools.[4]

Warren relied on writings of communist-fronters, in preference to the Constitution — including *An American Dilemma*, by Gunnar Myrdal, Swedish socialist with a communist-front record. In this book, Myrdal expresses contempt for the United States Constitution.[5]

On May 17, 1954, the Warren Court not only abandoned *stare decisis* and lit a fuse touching off the explosive lawlessness that is shattering our society, it did something even worse: it enunciated the doctrine that the U. S. Supreme Court can change the Constitution at will, without regard to law, constitutional meaning, or precedent.

Below are samplings of Warren Court decisions since May, 1954, when the Court usurped authority to do anything it pleases with the Constitution, the traditions, the laws, the governments, and the people of the United States.

STEVE NELSON CASE. On April 2, 1956, the Warren Court overturned the conviction of Steve Nelson (admitted communist party leader) who had been given a 20-year sentence in 1952 for violating the Pennsylvania state sedition law. The Court said the Smith Act of 1940 gives the federal government exclusive jurisdiction in the field of sedition.[6]

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The Smith Act of 1940 specifically provides that:

" . . . nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several states."

Counsel for the State of Pennsylvania called attention to this provision, and also introduced a letter from U. S. Representative Howard Smith (Virginia Democrat, who wrote the Smith Act) saying that, in passing the Smith Act, Congress never had "the faintest notion" of nullifying state laws.

Nonetheless, Earl Warren declared:

"The conclusion is inescapable that Congress has intended to occupy the field of sedition."[6]

THE CASE OF SUBVERSIVE FEDERAL EMPLOYEES. The Summary Suspension Act of 1950 authorized federal agencies to fire known communists from federal jobs. Senator Karl Mundt, who helped write the law, said its intent was to remove *all* subversives from *all* federal jobs.

On June 11, 1956, the Warren Court held that the Act applied only to federal employees in sensitive positions.[7] This opened the door for hundreds of fired communists to demand reinstatement in government jobs, with back pay.[2]

SLOCHOWER CASE. Harry Slochower was an associate professor at Brooklyn College. The New York City Board of Higher Education fired him for invoking the Fifth Amendment and refusing to answer questions about communists, while under interrogation by a subcommittee of the U. S. Senate. On April 9, 1956, the Warren Court held that the Board had violated Slochower's constitutional rights[8] (though the Constitution guarantees no right to a job). Transcripts of the subcommittee hearings showed that Slochower knew he would be fired for refusal to answer questions; but the Warren Court falsely asserted that the professor did not know he would lose his job for refusal to answer. The Board petitioned for a re-hearing. The Warren Court admitted having misstated the facts, but denied the re-hearing. As a result of this case, New York City had to reinstate, and give back pay to, several teachers who had been fired for communist activities. Slochower drew an indemnity of $40,000 from taxpayers.[2]

KONIGSBERG AND SCHWARE CASES. The California Bar Association refused membership to Raphael Konigsberg because he would not answer questions about whether he had ever been a communist. The California Supreme Court upheld the Association. The New Mexico Bar Association refused membership to Rudolph Schware, finding him morally unfit because of past membership in the communist party and because of two arrests for criminal syndicalism. The New Mexico Supreme Court upheld the Association.

On May 6, 1957, the Warren Court reversed the Supreme Courts of California and New Mexico, holding that refusal of Bar Association memberships had violated Konigsberg's and Schware's rights under the Fourteenth Amendment.[9]

JENCKS CASE. On April 28, 1950, Clinton E. Jencks, union official in New Mexico, filed an affidavit (as required by the Taft-Hartley labor law), swearing that he was not a member of the communist party.

Using FBI evidence to prove that Jencks *was* a member of the communist party when he filed that affidavit, the Department of Justice prosecuted Jencks for perjury. The federal district court in New Mexico convicted Jencks, and the circuit court of appeals upheld the conviction.

At his trial, Jencks was given full opportunity to face all of his accusers in open court. No information supplied by unnamed informants was used against him. He was permitted to examine every piece of evidence used to prove that he had lied under oath.

On June 3, 1957, the Warren Court reversed lower courts—saying that Jencks should have been permitted to see *all* confidential FBI reports on communist meetings which Jencks was accused of attending. The Supreme Court ordered a new trial for Jencks. Inasmuch as the government would have to reveal to Jencks and his lawyers virtually everything the FBI knows about communist activity in the State of New Mexico, the

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Department of Justice decided not to try Jencks again.[2,10]

WATKINS CASE. In sworn testimony before the House Committee on Un-American Activities, John A. Watkins, a labor union official, admitted to communist activities but refused to answer questions about communist activities of his associates. He claimed no constitutional privilege, but asserted that the Committee had no right to ask him such questions. Watkins was tried and convicted for contempt of Congress.

On June 17, 1957, the Warren Court overturned his conviction, saying it did so "with conscious awareness of the far-reaching ramifications that can follow from a decision of this nature."[11]

SWEEZY CASE. When questioned under oath by the New Hampshire Attorney General, Paul M. Sweezy (professor at the State University) denied membership in the communist party, but refused to answer questions about alleged association with communists and about allegations that he indoctrinated his students with communist ideas. The New Hampshire Supreme Court held Sweezy in contempt. On June 17, 1957, the Warren Court reversed the State Court, Justice Frankfurter holding, in a concurring opinion, that state officials have no right to question the beliefs and associations of professors in state institutions.[12]

SACHER CASE. The Warren Court reversed two federal courts and set aside the conviction of Harry Sacher for contempt in refusing to tell the Senate Internal Security Subcommittee whether he was "a member of the Lawyers' Section of the Communist Party." In the second Sacher appeal, the Court again reversed the court of appeals and said this question was not pertinent to the Sub-committee's investigation. The Court refused to hear any argument from government lawyers representing the Senate Subcommittee.[13]

WITKOVICH CASE. The Immigration and Nationality Act of 1952 provides that any alien against whom there is a final order of deportation shall "give information under oath as to his nationality, circumstances, habits, associations and activities, and such other information . . . as the Attorney General may deem fit and proper." The Warren Court held that, under this statute, the Attorney General did not have authority to ask Witkovich this question:

"Since the order of deportation was entered in your case on June 25, 1953, have you attended any meetings of the Communist Party of the U.S.A.?"[14]

YATES CASE. In the case of Yates, et al., 14 communists in California were convicted and sentenced to prison for advocating overthrow of the United States government by force and violence, in violation of the Smith Act. On June 17, 1957, the Warren Court ordered outright acquittal for five of the communists, new trials for the other nine. The Court held that advocating forcible overthrow of our government, even "with evil intent," is not a violation of the Smith Act if the advocacy is "divorced from any effort to instigate action to that end."[15]

COMMUNIST PARTY REGISTRATION CASE. Citing provisions of the Subversive Activities Control Act of 1950 and of the Communist Control Act of 1954, the Subversive Activities Control Board (SACB) ordered the communist party to register with the Attorney General as a communist-action organization under foreign domination. The Federal District Court and the Federal Court of Appeals for the District of Columbia both upheld the SACB ruling; but the communist party refused to register.

On April 30, 1956, the Warren Court held that the party did not have to register because it claimed that some of the evidence against it was clouded.[16]

On June 5, 1961, the Court (with Justices Warren, Black, Douglas, and Brennan *dissenting*) upheld the Subversive Activities Control Act of 1950 and ordered the communist party to register.[17] Subsequently, a lower federal court held that the communist party did *not* have to register (because of Fifth Amendment protection against self-incrimination). On June 8, 1964, the Warren Court (with Justice White not participating) refused to review the lower court ruling. In this odd way, the Warren Court reversed its June 5, 1961, de-

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cision which had ordered the communist party to register.[18]

CASES ON SUBVERSION, PERVERSION, AND PRAYER. On June 25, 1962, the Warren Court overturned a Post Office Department ruling that a magazine for homosexuals is unmailable because of obscenity. The Court asserted that the First Amendment guarantees the rights of homosexuals to receive such magazines through the mails—and that the magazines are not patently offensive.[19]

On June 25, 1962, the Warren Court struck down a California statute which made addiction to narcotics a crime.[19]

On June 25, 1962, the Warren Court reversed contempt-of-Congress convictions against two men (Louis Hartman of California and Bernard Silber of New York) who, in 1957, had refused to give the House Committee on Un-American Activities information about communist infiltration in the communications industry.[19]

And on June 25, 1962, the Warren Court handed down its New York School Prayer Case decision (*Engel versus Vitale*), holding that classroom recitation of an official prayer violated the "establishment clause" of the First Amendment, as "reinforced by provisions of the Fourteenth Amendment." The First Amendment prohibits the federal government from *interfering* with the free exercise of religion, but the Warren Court used the First Amendment as authority to deny the free exercise of religion.[20]

APPORTIONMENT CASES. In *Baker versus Carr*, March 26, 1962, the Warren Court decided, in effect, that the Fourteenth Amendment gives federal courts jurisdiction to supervise the actions of *state legislatures* in districting *states* for purposes of state and local elections. The *Baker versus Carr* decision involved the districting laws of the State of Tennessee; but approximately 26 other states were involved in similar suits, or expected to be shortly.[21]

The Constitution makes no grant of power to any branch of the federal government to interfere in any way with such matters. When the federal government can make decisions governing the composition and representation of *state legislatures,* state governments become branches and tools of the central authority. The American system—a constitutional *federation* of separate states —is destroyed.[21]

The *Baker versus Carr* decision encouraged (as Earl Warren himself said) a "spate of similar cases."[21]

On June 15, 1964, the Supreme Court ruled on six legislative apportionment cases, involving Alabama, Colorado, Delaware, Maryland, New York, and Virginia. Earl Warren ruled that a state apportionment which does not provide for representation in both houses of the state legislature solely on the basis of population, violates the "equal protection" clause of the Fourteenth Amendment.[21]

This decision is creating political chaos. If permitted to stand, it will destroy existing forms of government in a majority of states. It denies, for states, the same kind of balanced bi-cameral (two-house) legislative system that the federal government itself has.

CONGRESSIONAL DISTRICTING CASE. The Constitution provides that each State, regardless of population, may have two U. S. Senators and one U. S. Representative. A populous State may have more than one Representative, the number depending on population as revealed by the census every ten years.

The Consitution grants Congress authority to supervise the division of States into congressional districts, but gives federal courts no authority in this field. On February 17, 1964, however, the Warren Court, in *Wesberry versus Sanders,* usurped power to rule that States must draw district lines to guarantee that "as nearly as is practicable one man's vote in a Congressional election is to be worth as much as another's." In other words, Congressional districts must be about the same in population.[22]

Under the Constitution, there never has been and never can be "equality of voting power" for

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all voters in elections of U. S. Representatives. For example, the 1960 census shows a population of 226,167 for Alaska, 16,782,304 for New York. Alaska has one U. S. Representative; New York has 41. Thus, every Alaskan voting for a U. S. Representative has almost twice as much voting power as a New Yorker voting for a U. S. Representative.

FREE-SPEECH DEMONSTRATORS. In March, 1963, the Warren Court ruled (in a case involving sit-in demonstrators in Columbia, South Carolina) that state and local officials have no authority to stop such demonstrations or to make arrests because "the privilege of free speech is broad." The Court said that free speech may best serve its high purpose when it causes unrest and "stirs people to anger."[23]

SIT-IN CASES. On June 22, 1964, the Warren Court overturned the convictions of several sit-in demonstrators, who had been tried under local and state laws prohibiting trespass on private property. The Court refused to give any constitutional, or other grounds, for overturning the convictions. It simply ordered them overturned.[24]

GIRARD CASE. Stephen Girard, by a will probated in 1831, left a fund in trust to build and operate a college in Philadelphia for "as many poor white male orphans, between the ages of six and ten years, as the said income shall be adequate to maintain." In 1954, two negro boys asked the Orphan's Court of Philadelphia to order their admission to the school. The Court refused, and was upheld by the Pennsylvania State Supreme Court. On April 29, 1957, the Warren Court reversed the Pennsylvania Court, citing the Fourteenth Amendment as interpreted in the May 17, 1954, school-segregation decision.[25]

MALLORY CASE. Andrew R. Mallory, a 19-year-old negro, confessed to raping a woman in the cellar of her apartment house in Washington, D. C. He was tried and convicted in District Court. His conviction was upheld in the Court of Appeals.

Without suggesting any doubt of guilt or suspicion of police brutality, the Warren Court set Mallory free to go unpunished for his crime, solely because police had questioned him before formal arraignment. The decision means that Washington police cannot question a suspect *before* he is formally arrested and arraigned unless the suspect agrees. After he is formally arrested, he cannot be questioned at all.[26]

When police are prohibited from *questioning* suspects — particularly in such crimes as rape, where material evidence of guilt is often nonexistent or extremely difficult to obtain — police are almost helpless to afford society adequate protection.

MONROE CASE. James Monroe, a negro, claimed that Chicago police had violated his rights by searching his home without a warrant. Illinois law provides individuals with adequate opportunity for relief if their rights are so abused. But Monroe did not bring suit against Chicago police in a state court. He brought action directly in federal court. On February 20, 1961, the Warren Court, in the Monroe case, held, in effect, that the Fourteenth Amendment does give certain individuals the right to bypass state courts.[27]

NOIA CASE. On March 18, 1963, in *Fay versus Noia*, the Warren Court ordered New York to release from the State Penitentiary a man who had been incarcerated for 20 years, after conviction in state court for the crime of murder. The Court held that the man's rights under the federal Constitution had been violated because he had not effected an appeal from his conviction in state court.[28]

GIDEON CASE. In Florida, a defendant named Gideon was sentenced in state court. The State of Florida has its own procedures to guarantee that a defendant is not denied right to counsel; and federal courts have no constitutional right to review procedures of state courts. Gideon, who had no counsel at his trial, was convicted of petty larceny. Later, the case was appealed. In *Gideon versus Wainwright* (March 18, 1963), the Warren Court ordered Gideon released from Florida prison, because he had had no lawyer at his trial.[29]

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ESCOBEDO CASE. On June 22, 1964, the Warren Court, in *Escobedo versus Illinois*, reversed the state conviction (for murder) of defendant Escobedo, because Escobedo had had no lawyer present when he confessed to police officers.[30] Responsible law officials predict that "vast numbers" of hardened criminals will be set free as a result of this *Escobedo* expansion of the rule which the Warren Court had laid down in the *Gideon* case of 1963. Indeed, confessed murderers have already been released from prison.[31]

What To Do

There is swelling public demand that something be done about the Earl Warren Court. Something can be done. Subsequently, I will discuss various proposals, outline legal remedies available, and recommend specific measures to curb the tyrannical power of the Earl Warren Court.

* * * * *

BERKELEY RIOTERS WILL BE PROSECUTED

Research for each of my *Reports* takes a long time, and each *Report* goes to press weeks before the material is actually broadcast on radio and television. Hence, the *Report* on "Communist Student Riots" (published February 8, 1965, broadcast in March) was actually written in January. At that time, there was no indication (in sources available to me) of prosecution against persons arrested on December 3, 1964, in connection with riots at the University of California in Berkeley.

I have now received a welcomed letter from J. F. Coakley, District Attorney for Alameda County, Oakland, California, saying:

"Request is hereby made that you correct statements made in your telecast of Sunday, March 7, 1965, to the effect that there had been no prosecution of the so-called Free Speech Movement demonstrators at the University of California at Berkeley. The fact is that *all persons* having no lawful business in Sproul Hall who refused to leave the building at closing time, after being requested to do so, were arrested and charged with crimes of trespass . . . and failure to disperse from the scene of an unlawful assembly upon being ordered to do so . . . . About two-thirds of these persons went limp and refused to cooperate with the police upon being arrested. These persons were also charged with resisting and obstructing arrest . . . .

"The number of persons charged were seven hundred and seventy three. Eight of these persons were referred to the Juvenile Court of Alameda County, pursuant to California law which requires such referral where an accused is under eighteen years of age. Four of these eight have been found guilty and given confinement in a work camp under the jurisdiction of the Probation Department of the County. Cases against the other four juveniles are still awaiting trial before another Juvenile Court Judge. Seventy five of the defendants, as of today, have pleaded nolo contendere to the charges. In California, this plea has the same effect and is subject to exactly the same penalties as a plea of guilty, except that a nolo plea cannot be used in a civil action as an ad-

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WHO IS DAN SMOOT?

Born in Missouri, reared in Texas, Dan Smoot went to SMU getting BA and MA degrees, 1938 and 1940. In 1941, he joined the faculty at Harvard as a Teaching Fellow, doing graduate work for a doctorate in American civilization. From 1942 to 1951, he was an FBI agent: three and a half years on communist investigations; two years on FBI headquarters staff; almost four years on general FBI cases in various places. He resigned from the FBI and, from 1951 to 1955, was commentator on national radio and television programs, giving *both* sides of controversial issues. In July, 1955, he started his present profit-supported, free-enterprise business: publishing *The Dan Smoot Report,* a weekly magazine available by subscription; and producing a weekly news-analysis radio and television broadcast, available for sponsorship by reputable business firms, as an advertising vehicle. The *Report* and broadcast give *one* side of important issues: the side that presents documented truth using the American Constitution as a yardstick. If you think Smoot's materials are effective against socialism and communism, you can help immensely—help get subcribers for the *Report,* commercial sponsors for the broadcast.

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mission against interest. Trial of one hundred and sixty two of the defendants will begin in the Municipal Court of Berkeley on April 1, 1965. Trials of the remaining defendants who may not at that time have pleaded nolo contendere or guilty will follow as soon as possible.

"At the outset I made it clear to the press, to the public and to the defendants that I had no intention of recommending either dismissal of the charges or clemency. I have been deluged with letters from all over the United States requesting that I drop the charges. I have *no* intention of so doing. Our position has been and will continue to be that we are ready to try all of the defendants who have not pleaded guilty or nolo just as quickly as possible. You will, no doubt, realize that processing and getting such a large number of defendants to trial involves some delay and many procedural and mechanical difficulties . . . ."

FOOTNOTES

(1) Salary of an Associate Justice is $39,500 a year; of the Chief Justice, $40,000.

(2) *Nine Men Against America* by Rosalie M. Gordon, Devin-Adair Company, New York City, 1958, 166 pp., price: $3.00; also paper edition by American Opinion, Belmont, Mass., price: $1.00

(3) *The Constitution of the United States of America: Analysis and Interpretation: Annotations of Cases Decided By The Supreme Court of the United States To June* 30, 1952, prepared by the Legislative Reference Service of the Library of Congress and edited by Edward S. Corwin, published as Senate Document 170, May 30, 1953, pp. 565, 566

(4) 347 U. S. 483 (1954)

(5) "The Supreme Court's 'Modern Scientific Authorities' in the Segregation Cases," speech by U. S. Senator James O. Eastland (Dem., Miss., Chairman of the Senate Judiciary Committee), *Congressional Record*, May 26, 1955

(6) 350 U. S. 497 (1956)

(7) 351 U. S. 536 (1956)

(8) 350 U. S. 551 (1956)

(9) Konigsberg — 353 U. S. 252 (1957); Schware — 353 U. S. 232 (1957)

(10) 353 U. S. 657 (1957)

(11) 354 U. S. 178 (1957)

(12) 354 U. S. 234 (1957)

(13) 356 U. S. 576 (1958)

(14) 353 U. S. 194 (1957)

(15) 354 U. S. 298 (1957)

(16) 351 U. S. 115 (1956)

(17) 367 U. S. 1 (1961)

(18) *Special Report of the County Counsel on Problem Created By Recent United States Supreme Court Cases Affecting The Communist Party And The Twenty Year Fight Of The County Of Los Angeles Against Subversion and Communism*, by Harold W. Kennedy, County Counsel of the County of Los Angeles, August 19, 1964, 65 pp.

(19) *The New York Times*, June 26, 1962, pp. 1, 16, 17

(20) For details on the Prayer Case decision, see this *Report*, "Outlawing God," March 2, 1964.

(21) For details on the Apportionment Cases, see this *Report*, "The Supreme Court's Apportionment Decisions," August 31, 1964.

(22) "Court Opinions on Congressional Apportionment," *Congressional Quarterly Weekly Report*, February 21, 1964, pp. 367-81

(23) "Preserving Law and Order," by Dick West, *The Dallas Morning News*, July 7, 1963, Sec. 3, p. 2

(24) AP story from Washington, *The Dallas Morning News*, June 23, 1964, Sec. 1, p. 12

(25) *Manchester* (N.H.) *Union Leader*, April 30, 1957, p. 3; *The Dallas Morning News*, April 30, 1957, Sec. 1, p. 1

(26) *Limitation of Appellate Jurisdiction of the United States Supreme Court*, Hearings before the Internal Security Subcommittee of the Senate Judiciary Committee, February and March, 1958, pp. 152, 169-70, 199, 233-4, 269, 476

(27) Editorial in *The Durham* (N.C.) *Morning Herald*, February 23, 1961

(28) "States Rights," speech by U. S. Senator A. Willis Robertson (Dem., Va.), including dissenting opinions of Supreme Court in *Fay versus Noia*, *Congressional Record*, March 21, 1963, pp. 4406-9 (daily); 372 U. S. 391

(29) 372 U. S. 335 (1963)

(30) *In the Supreme Court of the State of California, In Bank, The People vs. Robert B. Durado*, filed August 31, 1964, with details on Gideon, Noia, and Escobedo Cases and their applications to state level

(31) "Fear Voiced That 400 At Chino May Go Free," *The Los Angeles Times*, September 19, 1964, Sec. 1, p. 1; AP story from Tallahassee, Florida, *The Dallas Times Herald*, September 16, 1964, p. 16A

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